

Remarks:

Claims 1-14 are now pending in this application. Applicants have amended claims 1, 3, and 8-14 to clarify the present invention. Applicants respectfully request favorable reconsideration of this application.

Applicants have amended the specification to insert reference to the priority application and delete references to the claims.

Applicants have amended the abstract to delete reference characters. The present invention is not limited to any particular embodiment shown in the drawings or described in the specification. Applicants have also amended the abstract to eliminate legal phraseology. Applicants submit herewith on a separate sheet a clean copy of the abstract.

Applicants submit herewith under separate cover new formal drawings to place the drawings originally submitted with the application. The legend "Prior Art" has been added to Fig. 1. The drawings are of better quality than the drawings submitted with the application as filed. Applicants respectfully request approval of the new drawings.

The Examiner rejected claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 4,293,416 to Keoteklian. The Examiner rejected claims 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Keoteklian.

Keoteklian does not disclose the present invention as recited in claim 1 since, among other things, Keoteklian does not disclose a device that includes at least one inlet and at least one outlet arranged on a same side of a hood. Also, Keoteklian does not disclose a device that includes at least one outlet arranged on a level above the at least one inlet. Furthermore, Keoteklian does not disclose a device that includes means for directing fluids through a respective outlet opening in an essentially horizontal direction or in a direction towards a bottom surface of a fluid containment space. In contrast, Keoteklian discloses directing fluids upwardly or substantially vertically from a primary mixing zone to a secondary mixing zone. Therefore, Keoteklian does not disclose the present invention as recited in claim 1, claims 2-7, which depend from claim 1, or claim 8, which includes a device as recited in claim 1.

Keoteklian does not disclose the present invention as recited in claim 9 since, among other things, Keoteklian does not disclose a method that includes directing flushing fluid towards at least one inlet opening on a first side of a hood and making another part of the fluids flow through at least one outlet opening provided on the first side of the hood. Keoteklian also does not disclose that the outlet that a portion of the fluids are made to flow through is at a level above the inlet opening. Additionally, Keoteklian does not disclose making a portion of the fluid flow in an essentially horizontal direction or in a direction towards the bottom surface of the fluid containment space. Rather, Keoteklian discloses directing fluids upwardly or substantially vertically from a primary mixing zone to a secondary mixing zone. Therefore, Keoteklian does not disclose the present invention as recited in claim 9 or claims 10-12, which depend from claim 9.

In view of the above, Keoteklian does not disclose all elements of the present invention as recited in claims 1-12. Since Keoteklian does not disclose all elements of the present invention as recited in claims 1-12, the present invention, as recited in claims 1-12, is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. § 102(b) no difference may exist between the claimed invention and the reference disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (Fed. Cir. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. *See Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

Keoteklian does not suggest the present invention as recited in claims 13 or 14, which depends from claim 9, since, among other things, Keoteklian does not suggest a method that includes directing flushing fluid towards at least one inlet opening on a first side of a hood and making another part of the fluids flow through at least one outlet opening provided on the first side of the hood. Keoteklian also does not suggest that the outlet that a portion of the fluids are made to flow through is at a level above the inlet opening. Additionally, Keoteklian does not suggest making a portion of the fluid flow in an essentially horizontal direction or in a direction towards the bottom surface of the fluid containment space. Rather, Keoteklian suggests directing fluids upwardly or substantially vertically from a primary mixing zone to a secondary mixing zone.

The placement of the inlet(s) and outlet(s) and flow pattern according to the present invention as recited in claim 9 result in the outflow from the inner space of the hood being essentially horizontally directed or directed towards the bottom surface of the fluid containment space. Such an outlet flow will not affect the fluids accommodated in the upper part of the fluid containment space to any appreciable extent. In contrast, Keoteklian suggests an upwardly or substantially vertically directed flow of fluids from a primary mixing zone 26 to a secondary mixing zone 30 of the clarifier. According to the present invention as recited in claim 9, the outflow through the outlet opening or openings in the hood could, however, affect any vertically directed fluid flow caused by fluids hitting the outer surface of the hood in connection with a flushing sequence so as to deflect this vertically directed fluid flow.

Therefore, Keoteklian does not suggest the present invention as recited in claims 13 and 14, which depend from claim 9.

In view of the above, the reference relied upon in the office action does not disclose patentable features of the present invention. Therefore, the reference relied upon in the office action does not anticipate the present invention. Accordingly, Applicant respectfully request withdrawal of the rejection based upon the cited reference.

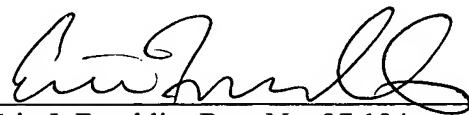
In conclusion, Applicant respectfully requests favorable reconsideration of this case and early issuance of the Notice of Allowance.

If an interview would advance the prosecution of this case, Applicant urges the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date: 8/28/06

  
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